

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK  
BROOKLYN DIVISION

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CHAPTER 13

IN RE:

CASE NO. 16-40580-CEC

Fritz Clairvil,

Debtor.

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**OBJECTION TO PLAN**

TO: Hon. Carla E. Craig, United States Bankruptcy Judge:

PRANALI DATTA, the undersigned, does hereby affirm to be true, under the penalties of perjury as follows:

1. I am an attorney duly admitted to practice in the State of New York and before the United States District Court for the Eastern District of New York. As the attorney for Wells Fargo Bank, N.A., I am fully familiar with the facts and circumstances set forth herein. I submit this Affirmation in opposition to the plan submitted by the debtor.

2. Wells Fargo Bank, N.A. is the holder of a first mortgage secured by the debtor's residence located at 8423 Avenue N a/k/a 1384 Avenue N, Brooklyn, NY 11236 with an unpaid principal balance due in the amount of \$263,944.66.

3. A proof of claim is being submitted by Wells Fargo Bank, N.A. for the first mortgage, that will set forth arrears at the time of filing in the amount of approximately \$125,390.95.

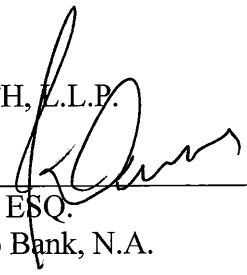
4. The Debtor's proposed Plan provides for the payment of \$102,000.00, in arrears and is insufficient to cure the full \$125,390.95 in mortgage arrears and Wells Fargo Bank, N.A. rejects the Plan. Thus, the proposed Plan cannot be confirmed under the Bankruptcy Law. 11 U.S.C. Section 1325(a) (5) (A),

(B). The Debtor is also attempting to reduce Wells Fargo Bank, N.A.'s, claim in contravention of the United States Bankruptcy Code.

WHEREFORE, Wells Fargo Bank, N.A. rejects the debtor's Plan, as proposed, and respectfully requests that the confirmation of the Chapter 13 Plan be denied, together with such other and further relief against the debtor as this Court deems just and proper.

Dated: Carle Place, New York  
April 8, 2016

STEIN, WIENER & ROTH, L.L.P.



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BY: PRANALI DATTA, ESQ.  
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Brooklyn, NY 11236

U.S. Trustee  
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New York, NY 10014

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